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106TH CONGRESS
1ST SESSION

# H. R. 1063

To prohibit the provision of defense services and training under the Arms Export Control Act or any other Act to foreign countries that are prohibited from receiving international military education and training or any other military assistance or arms transfers.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1999

Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mrs. LOWEY, Mr. OLVER, Mr. BROWN of California, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. ENGLISH, Mr. UNDERWOOD, Mr. FILNER, Mr. MCGOVERN, Mr. BARRETT of Wisconsin, Mr. KENNEDY of Rhode Island, Mr. PORTER, Mr. TANCREDO, Mr. ROHRABACHER, Mr. CLAY, Mr. GARY MILLER of California, Ms. SCHAKOWSKY, Mr. VENTO, Ms. MCKINNEY, Mr. SANDERS, Mr. GOODLING, Mr. LUTHER, Mr. WYNN, Mr. LATOURETTE, Mr. RUSH, Mr. BLAGOJEVICH, Mr. ABERCROMBIE, Ms. PELOSI, Mr. BROWN of Ohio, Mr. MARKEY, Mr. STARK, Mr. OBERSTAR, Ms. KAPTUR, Mr. MOAKLEY, Mr. CUMMINGS, Mr. LANTOS, Mr. THOMPSON of California, Ms. RIVERS, Mr. WOLF, Ms. LEE, Ms. BALDWIN, Mr. SERRANO, Mr. HALL of Ohio, Mr. KUCINICH, Mr. TIERNEY, Mr. STRICKLAND, Mr. BERMAN, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on International Relations

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# A BILL

To prohibit the provision of defense services and training under the Arms Export Control Act or any other Act to foreign countries that are prohibited from receiving international military education and training or any other military assistance or arms transfers.

**SEC. 2. PROHIBITION ON PROVISION OF DEFENSE SERVICES AND TRAINING TO FOREIGN COUNTRIES INELIGIBLE FOR IMET ASSISTANCE OR OTHER MILITARY ASSISTANCE OR ARMS TRANSFERS.**

(a) IN GENERAL.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended by inserting after the first section 40A the following:

**"SEC. 40B. PROHIBITION ON PROVISION OF DEFENSE SERVICES AND TRAINING TO FOREIGN COUNTRIES INELIGIBLE FOR IMET ASSISTANCE OR OTHER MILITARY ASSISTANCE OR ARMS TRANSFERS.**

"(a) IN GENERAL.—No defense services or training (including Joint Combined Exchange Training (JCET)) may be provided by sale, lease, loan, grant, or other means under this Act or any other Act to any foreign country that is subject to any provision of law that prohibits or restricts receipt by such country of—

"(1) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); or

"(2) other military assistance or arms transfers.

"(b) EXCEPTIONS.—(1) A foreign country that is eligible to receive only expanded international military edu-

cation and training under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.), and is not otherwise prohibited from receiving any other military assistance or arms transfers, may receive defense services and training under this Act or any other Act but only to the extent that such services and training consist of training of civilian officials and military officers of the armed forces on military justice, international human rights standards, and the proper role of the armed forces in a democratic society.

"(2) A foreign country that is subject to a provision of law that prohibits or restricts receipt by such country of international military education and training or any other military assistance or arms transfers shall not by reason of such prohibition or restriction be prohibited from receiving defense services and training under this Act or any other Act that are substantially unrelated to the military assistance or arms transfers so prohibited or restricted, but only if, at least 15 days before the proposed provision of the services and training to the country, the President transmits to the Congress a certification containing—

"(A) a description of each provision of law that prohibits or restricts receipt by the country of international military education and training or any other military assistance or arms transfers;

"(B) a description of the defense services and training to be provided to the country; and

"(C) an explanation of how the defense services and training are substantially unrelated to the military assistance or arms transfers so prohibited or restricted.

"(3) Subsection (a) shall not apply with respect to a foreign country described in section 546 of such Act (22 U.S.C. 2347c) by reason of designation under such section.

"(c) WAIVER.—The President may waive the prohibition in subsection (a) with respect to a foreign country if the President—

"(1) determines that it is important to the national security of the United States to do so; and

"(2) transmits to the Congress a certification containing—

"(A) the determination under paragraph (1), including an explanation of why it is important to the national security of the United States to provide the waiver;

"(B) a description of each provision of law that prohibits or restricts receipt by the country of international military education and training

or any other military assistance or arms transfers;

"(C) a description of any limitations on the defense services and training to be provided to the country under the waiver; and

"(D) a description of how the provision of the waiver, including any limitations on the defense services and training to be provided to the country under the waiver, will preserve to the fullest extent consistent with the national security of the United States the purpose of the provision of law that prohibits or restricts receipt by the country of international military education and training or any other military assistance or arms transfers.

"(d) DEFINITION.—In this section, the term 'military assistance or arms transfers' means—

"(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C 2311 et seq.; relating to military assistance), including the transfer of excess defense articles under section 516 of that Act (22 U.S.C. 2321j);

"(2) assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund);

"(3) assistance under the "Foreign Military Financing Program" under section 23 of this Act; and

"(4) the transfer of defense articles, defense services, or design and construction services under this Act, including defense articles and defense services licensed or approved for export under section 38 of this Act.".

(b) CONFORMING AMENDMENT.—The second section 40A of the Arms Export Control Act (22 U.S.C. 2785), as added by section 150(a) of Public Law 104–164 (110 Stat. 1436), is hereby redesignated as section 40.

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## *68 Co-Sponsors*
***in chronological order***
## *H.R. 1063*
## *The International Military Training Transparency and Accountability Act*
## *4/23/99*

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Lane Evans (D-IL)

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George Brown (D-CA)
Eni Faleomavaega (D-American Samoa)
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Barney Frank (D-MA)
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